

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KATHLEEN HODSON

Plaintiff,

VS.

ALPINE MANOR, INC. d/b/a
INTEGRATED HEALTH SERVICES
OF ERIE AT BAYSIDE

Defendant.

Civil Action No. 03 - 0374e

Judge Maurice B. Cohill, Jr.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

AND NOW comes Defendant, **ALPINE MANOR, INC. d/b/a/ INTEGRATED HEALTH SERVICES OF ERIE AT BAYSIDE** (hereinafter “IHS”), by and through its attorneys, **MARGOLIS EDELSTEIN, CHARLES H. SAUL, ESQUIRE**, and **LIBERTY J. WEYANDT, ESQUIRE**, and files the within the within Motion for Summary Judgment, and in support thereof avers as follows:

1. Plaintiff filed the instant Complaint on November 17, 2003. Plaintiff, who is *pro se*, claims that (1) she was fired on May 17, 2002 due to her religion, evangelical Christian, and harassed in violation of Title VII; (2) that she was discriminated against by management during her employment because of her disability, but does not specifically allege a violation of the American's with Disabilities Act; (3) that she was harassed during her employment, but does not state whether or not she is claiming sexual harassment, harassment due to her disability, or harassment for some other reason; and (4) that she

was terminated in retaliation for having been injured on the job. Plaintiff does not specify whether she is alleging such retaliation under Title VII or the ADA or under a common law wrongful discharge theory. As Plaintiff is *pro se*, Defendant will consider her allegation of retaliation under all three theories.

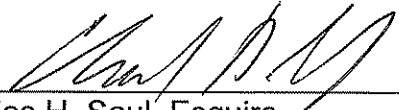
2. For the reasons more fully set forth in Defendants' Brief in Support of Motion for Summary Judgment, which is incorporated herein by reference, Defendant is entitled to summary judgment because (1) Plaintiff can not establish a hostile work environment claim based on religion, nor does she have any evidence to prove she was discriminated against or terminated because of her religion under Title VII; (2) Plaintiff can not establish a violation of the American's with Disabilities Act, as she is not a disabled person within the meanings of the ADA and she had insufficient evidence to prove she was discriminated against or terminated because of her disability; (3) Plaintiff lacks evidence to prove a claim for hostile work environment based on sexual harassment, her disability or for any other reason; and (4) Plaintiff can not prove a cause of action for retaliation under Title VII or the ADA, nor is there evidence to support a wrongful discharge claim.

3. There exists no genuine issue of material fact in this action as to Plaintiff's claims and no reasonable jury could possibly conclude that Plaintiff has a valid cause of action under any theory alleged in the Complaint.

4. Defendant, therefore, is entitled to a judgment as a matter of law.

WHEREFORE, Defendant requests that summary judgment be entered on its behalf and that Plaintiff's Complaint be dismissed, with prejudice.

Respectfully submitted,
MARGOLIS EDELSTEIN

By 
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ORDER

AND NOW, this ____ day of _____ 2005, upon
consideration of Defendant's Motion for Summary Judgment and Brief in Support and
Plaintiff's Brief in Opposition, it is hereby ORDERED that Defendant's Motion for
Summary Judgment is GRANTED and Judgment is entered in favor of the Defendant,
with costs to be paid by Plaintiff. The Complaint is hereby dismissed in its entirety, with
prejudice.

BY THE COURT:

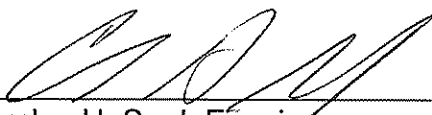
cc: All parties.

J.

CERTIFICATE OF SERVICE

I certify that on the 29th day of July, 2005, I served upon Plaintiff via U. S. First Class Mail, a copy of the within Motion for Summary Judgment at the following address:

Kathleen Hodson
2201 Keystone Drive
Erie, PA 16509



Charles H. Saul, Esquire